

<p style="text-align: center;">DEPARTMENT FOR MENTAL HEALTH AND MENTAL RETARDATION SERVICES</p> <p style="text-align: center;">STANDARDS OF OPERATIONS</p>	<p>Policy Number</p> <p style="text-align: center;">DMHMRS 04-03</p>	<p>Total Pages</p> <p style="text-align: center;">2</p>
	<p>Date Issued</p> <p>April 14, 2003</p>	<p>Effective Date</p> <p>April 14, 2003</p>
<p>References</p> <p>KRS 194A.005, 194A.025, 194A.030 § 160.310, 164.514, 165.530</p>	<p>Subject</p> <p>Access and Security</p>	

Statement of Policy and Purpose

It shall be the policy of the Department for Mental Health and Mental Retardation Services (DMHMRS) to safeguard protected health information (PHI) from any intentional or unintentional use or disclosure that is in violation of federal or state laws and the policies and procedures of the department.

Practice

- A. DMHMRS shall follow the minimum necessary for PHI uses and shall identify:
 1. Those persons or classes of persons in its workforce who need access to PHI to carry out their duties.
 2. The category or categories of PHI to which its workforce needs access and any conditions appropriate to such access.
 3. Reasonable efforts to limit access of such persons identified to PHI consistent with the job duties.
- B. DMHMRS shall follow the minimum necessary for PHI disclosures and shall:
 1. Limit the PHI disclosed to the amount reasonably necessary to achieve the purpose of the disclosure.
 2. Develop criteria designed to limit the PHI disclosed to the minimum necessary.
 3. Review requests for disclosure on an individual basis.
- C. DMHMRS may rely on a requested disclosure as the minimum necessary when:
 1. Making disclosures to public officials and the public official represents that the information requested is the minimum necessary for the stated purpose.

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2. A covered entity that may include, but not limited to, healthcare providers, nursing homes public health authorities, rehabilitation centers or medical practices request the information.
3. The information is requested by a professional who is a member of its workforce or a business associate responsible for implementation of services and programs.
4. A person requesting the information for approved research purposes has provided documentation or representations.

D. DMHMRS shall follow the minimum necessary for PHI requests.

1. DMHMRS shall review all requests on an individual basis to ensure the information provided is limited to the minimum necessary to accomplish the purpose of the request.
2. Requests made on a routine and recurring basis shall be recognized and policies and procedures implemented to accomplish the purpose of the request with the minimum information necessary.

E. DMHMRS shall permit access by the Secretary during normal business hours to its facilities, books, records, accounts and other sources of information, including PHI, that are pertinent to ascertaining compliance with the applicable requirements and standards.

F. This policy shall be reviewed and revised as necessary.